

27123

↑CUSTOMER NUMBER↑

Docket No.: 1232-4694

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**RECEIVED
CENTRAL FAX CENTER****OCT 24 2005**

Applicant(s): Atsushi INAGAKI

Group Art Unit: 2612

Serial No.: 09/821,287

Examiner: Luong Truong NGUYEN

Filed: March 29, 2001

For: INFORMATION DISPLAY CONTROL IN IMAGE SENSING APPARATUS

CERTIFICATE OF FACSIMILE TRANSMISSION

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that the following item(s):

1. Resubmission of Previously Filed Certified Translation of Convention Priority Document (2 pp.) including copies of:
 - a- Express Mail Certificate dated September 15, 2005 (1 pp.);
 - b- Transmittal of Certified Translation of Convention Priority Document dated September 15, 2005 (1 pp.);
 - c- Certified Translation of Japanese Patent Application No. 2000-097628 (36 pp.); and
 - d- Return Receipt Postcard stamped September 15, 2005 by the USPTO mailroom (1 pp.).

is/are being transmitted pursuant to 37 C.F.R. §1.8 by facsimile on the date indicated below to:

Examiner Luong Truong NGUYEN
Group Art Unit 2612
Tel. No.: (571) 272-7315
Fax No.: (571) 273-8300

Transmission Total: 42 pages (including this cover sheet).

Respectfully submitted,
MORGAN & FINNEGAN, LLP

Date: October 24, 2005

By:

Stephanie Cunningham
Stephanie Cunningham

Mailing Address:
MORGAN & FINNEGAN, LLP
3 World Financial Center
New York, New York 10281-2101
(212) 415-8700 (Telephone)
(212) 415-8701 (Facsimile)

951976 v2

Case No. 1232-4694 Serial No. 09/021,287
Date Mailed 9-15-05 ATTY SMANETTA
Date Due in the Patent Office 9-16-05

The return of this post card, properly stamped, will
acknowledge receipt in the Patent & Trademark Office
of the Following:

1. Express Mail Certificate
(Express Label EV 622499774 US);
2. Transmittal of Certified Translation of Convention Priority
Document (1 page)
3. Translated Convention Priority Document (36 pages,
including 5 pages of figures)



Docket No. 1232-4694-0001

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EXPRESS MAIL CERTIFICATECommissioner for Patents
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Alexandria, VA 22313-1450

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Date of Deposit: September 15, 2005

I hereby certify that the following attached paper(s) and/or fee

1. Transmittal of Certified Translation of Convention Priority Document (1 page)
2. Translated Convention Priority Document (36 pages, including 5 pages of figures)
3. Return Receipt Postcard

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Albert Isles

(Typed or printed name of person mailing papers(s) and/or fee)



(Signature of person mailing paper(s) and/or fee)

Correspondence Address:MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101
(212) 415-8700 Telephone
(212) 415-8701 Facsimile

944655 v1

PATENT

Docket No. 1232-4694

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OCT 24 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Atsushi INAGAKI
Serial No.: 09/821,287
Filed: March 29, 2001
For: INFORMATION DISPLAY CONTROL IN IMAGE SENSING APPARATUS

Group Art 2612
Examiner: Luong Truong NGUYEN

**RESUBMISSION OF
PREVIOUSLY FILED CERTIFIED TRANSLATION
OF CONVENTION PRIORITY DOCUMENT**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A Final Office Action dated May 24, 2005 was issued in this case, in which claims 1, 7, and 13 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,724,427 to Fredlund ("Fredlund"), in view of U.S. Patent No. 6,844,899 to Oeda ("Oeda"). Claim 13 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Fredlund and Oeda, in further view of U.S. Patent No. 6,011,585 to Anderson ("Anderson").

An Amendment Under 37 C.F.R. § 1.116 was filed on August 23, 2005 in which Applicants pointed out that the Fredlund reference is not available as prior art against this application. While the instant application was filed on March 29, 2001, priority is claimed under 35 USC § 119 to Japanese Patent Application No. 2000-097628, filed on March 31, 2000. Fredlund, which was filed on June 20, 2000, is thus not available as prior art against this application. As indicated in the August 23 Amendment, Applicants prepared a Certified Translation of Japanese Patent Application No. 2000-097628 and filed it on September 15, 2005.

An Advisory Action dated October 4, 2005 was issued in this case. In the accompanying Response to Arguments, the Examiner indicated that "since the Examiner have [*sic*] not received an English translation of the Japanese priority Application, the Examiner considers that all claim rejections under 35 U.S.C. §103 based on Fredlund is still proper."

As previously noted, a Certified Translation of Japanese Patent Application No. 2000-097628 was in fact mailed on September 15, 2005 and was indicated as having been received by the USPTO Mailroom on September 15, 2005 (as the filing was made pursuant to 37 CFR 1.10). Applicant herewith transmits a copy of the papers comprising the original September 15, 2005 filing, as filed, including:

951938 v1

Patent Application Serial No. 09/821,287

Docket No. 1232-4694

1. Express Mail Certificate dated September 15, 2005,
2. Transmittal of Certified Translation of Convention Priority Document dated September 15, 2005,
3. Certified Translation of Japanese Patent Application No. 2000-097628,
4. Return Receipt Postcard stamped September 15, 2005 by the USPTO mailroom.

Accordingly Applicant respectfully submits that the requirements of overcoming a reference by filing a certified copy of priority document as specified under MPEP § 201.15 were met by the September 15, 2005 filing.

In view of the foregoing, and as set forth in further detail the August 23 Amendment, Applicants respectfully submit that this application is in condition for allowance which action is earnestly requested.

In the event that a telephone conference would facilitate prosecution of the application in any way, the Examiner is invited to contact the undersigned at the number provided. An early and favorable examination on the merits is respectfully requested.

AUTHORIZATION

While no fees or extensions of time are believed due for the filing of this paper, the Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 13-4500, Order No. 1232-4694.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: October 24, 2005

By:


Stephen D. Manetta
Registration No. 40,426

Correspondence Address:
MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101
(212) 415-8700 Telephone
(212) 415-8701 Facsimile

PATENT

Docket No. 1232-4694

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Applicant(s): Atsushi INAGAKI

Group Art 2612

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Examiner: Luong Truong NGUYEN

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**TRANSMITTAL OF CERTIFIED TRANSLATION
OF CONVENTION PRIORITY DOCUMENT**Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

An Amendment Under 37 C.F.R. § 1.116 was filed on August 23, 2005 in the above identified application in which Applicants pointed out that a reference of record-Fredlund (USP 6,724,427)- filed on June 20, 2000- is not available as prior art against this application. While the instant application was filed on March 29, 2001, priority is claimed under 35 USC § 119 to Japanese Patent Application No. 2000-097628, filed on March 31, 2000. Fredlund, as set forth in the August 23 Amendment, is thus not available as prior art against this application.

As discussed at page 6 of the August 23 Amendment, submitted herewith is a copy of a certified English translation of Japanese Patent Application No. 2000-097628, a certified copy of which was filed on May 25, 2001. Applicants requested in the filed Amendment, and reiterate here, that the rejections issued in the May 24, 2005 Final Office Action based on Fredlund are improper and should be withdrawn.

In view of the foregoing, and as set forth in further detail the August 23 Amendment, Applicants respectfully submit that this application is in condition for allowance which action is earnestly requested.

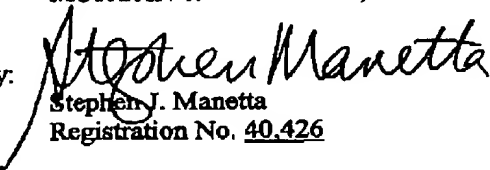
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AUTHORIZATION

While no fees are believe due for the filing of this paper, the Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 13-4500, Order No. 1232-4694.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.Dated: September 15, 2005

By:


Stephen J. Manetta
Registration No. 40,426

Correspondence Address:
MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101
(212) 415-8700 Telephone
(212) 415-8701 Facsimile

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